

# Rule Adoption Notice



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

Hazardous Waste and Toxic Reduction Program

October 2012

## Ecology Announces the Adoption of the Better Brakes Rule

In 2010, Washington became the first state to pass legislation regulating the content of brake friction materials. The Better Brakes Law, Chapter 70.285 Revised Code of Washington (RCW), requires a phase-out of copper, asbestos, and several heavy metals from brake friction materials sold or offered for sale in the state. Brakes manufactured after January 1, 2015, are required to comply with the requirements of the law and rule.

For nearly two years the Department of Ecology (Ecology) has been engaged in a consensus-based process to develop rules to implement the Better Brakes Law, Chapter 70.285 RCW. Ecology worked with brake and motor vehicle manufacturers, water quality interests, wholesalers, distributors, retailers, and installers of brakes. These stakeholders represented interests here in Washington State and around the globe and the Better Brakes Rule is supported by the brake manufacturing industry.

### What is the Better Brakes Rule?

The Better Brakes Rule, Chapter 173-901 Washington Administrative Code (WAC), implements Chapter 70.285 RCW and provides:

- Criteria that brake manufacturers must follow to certify compliance using third party accredited laboratories.
- Requirements relating to product and package markings.
- Requirements for data submitted to Ecology regarding the concentration of copper and other metals in brakes sold or offered for sale in Washington.
- A process by which companies may apply for an exemption.
- A means to address other issues necessary to implement Chapter 70.285 RCW.

### Whom does this rule affect?

This rule applies to:

- Manufacturers of brakes sold or offered for sale in Washington State.
- Retailers, wholesalers, distributors, and installers of brakes sold or offered for sale in Washington state.
- Retailers, wholesalers, and distributors of motor vehicles containing brakes that are sold or offered for sale in Washington State.

#### WHY IT MATTERS

As brake pads wear down, copper and other metals are deposited on roadways, where they are washed into our streams and rivers. In urban areas, brake pads account for up to half of the copper entering our waterways.

Copper is highly toxic to fish and other aquatic species. Young salmon are especially susceptible to the effects of copper. Removing copper and other toxic metals from brake materials will help clean up Puget Sound and other water bodies around the state.

#### Adopted Date:

October 19, 2012

#### Effective Date:

November 19, 2012

#### Contact information:

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#### Special accommodations:

If you need this document in a format for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700.




Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.



## What will product and package marks look like?

The most visible effects of the rule on businesses in Washington State will be the product and package marking requirements. Brakes manufactured after January 1, 2015, must be certified and marked with a product and package mark. The Brakes Manufacturers Council has trade marked the following marks, which will indicate that a brake complies with the various requirements of the Better Brakes Rule. You will begin to see these product and package marks in the near future.

### Product and Package Marks

	<p><b>Level A</b></p> <ul style="list-style-type: none"> <li>Brakes with this mark meet the 2015 requirements and do not contain asbestos, lead, cadmium, mercury, or chromium(VI).</li> <li>All brakes manufactured after 2015 must bear this mark.</li> <li>Brakes with this mark may be sold or offered for sale until 2031.</li> </ul>
	<p><b>Level B</b></p> <ul style="list-style-type: none"> <li>Brakes with this mark meet all of the requirements of 'Level A' and contain less than 5% copper by weight.</li> <li>Brakes manufactured after 2021 must bear this mark.</li> <li>While there are currently no restrictions on the sale of these products in Washington, future restriction may be put in place. California already has future restrictions on these products.</li> </ul>
	<p><b>Level N</b></p> <ul style="list-style-type: none"> <li>Brakes with this mark meet all of the requirements of 'Level A' and contain less than .5% copper by weight.</li> <li>Brakes with this mark meet and exceed all requirements of the Better Brakes Rule.</li> </ul>

## Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at: [www.ecy.wa.gov/programs/hwtr/betterbrakes.html](http://www.ecy.wa.gov/programs/hwtr/betterbrakes.html).

## More information

For more information about the Better Brakes Rule please visit our Web site: [www.ecy.wa.gov/programs/hwtr/betterbrakes.html](http://www.ecy.wa.gov/programs/hwtr/betterbrakes.html)

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at: [www.ecy.wa.gov/maillist.html](http://www.ecy.wa.gov/maillist.html).

## Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or [bari.schreiner@ecy.wa.gov](mailto:bari.schreiner@ecy.wa.gov).



PO Box 47600  
Olympia, WA 98504-7600

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## Better Brakes Rule, Adopted October 19, 2012

### Why am I receiving this notice?

You are receiving this notice because Ecology adopted the Better Brakes Rule. You are registered with the Department of Revenue as an automotive-related business and there is information inside you should know.

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